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Retired  
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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Nobuaki HASHIMOTO

Group Art Unit: 2826

Application No.: 09/856,924

Examiner: Tan N. Tran

Filed: May 30, 2001

Docket No.: 109681

For: SEMICONDUCTOR DEVICE AND METHOD OF FABRICATING  
THE SAME, CIRCUIT BOARD, AND ELECTRONIC INSTRUMENT

RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

In reply to the Restriction Requirement mailed April 22, 2002, Applicant provisionally elects Group I, claims 1-19, drawn to a semiconductor device, classified in class 257, subclass 738, with traverse.

It is respectfully submitted that the Restriction Requirement is improper. Specifically, this application is a U.S. National Stage of a PCT application. Thus, a restriction can only be issued if the asserted groups of claims do not share a common unity of invention. However, <sup>H</sup>the Restriction Requirement does not address the unity of invention and thus does not even provide the correct analysis. }

It is also respectfully submitted that <sup>H</sup>the subject matter of all claims 1-32 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. } Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and

examination of the entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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JAO:EDM/gam

Date: May 22, 2002

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